

Remarks

Applicants acknowledge with gratitude the Examiner Interview held on June 30, 2009, with both Examiner S. Kantamneni and Supervisory Examiner S. Padmanabhan. A summary of this interview is provided below.

Status of the claims

Claims 2-5 and 14-21 are pending in the current application. No claims are amended. Claims 16-19 are cancelled for reasons described below. Withdrawn claims 6-9 are hereby cancelled without prejudice. No new claims are added.

No new matter has been added.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 16-19 were rejected under 35 U.S.C. § 112, first paragraph, as inserting new matter into the claims by providing weight limitations for the pharmaceutical compositions. Although applicants hereby cancel claims 16-19, the Examiner is respectfully requested to withdraw the rejection.

Summary of Examiner Interview

A telephonic interview was held on June 30, 2009, with Patent Examiner Shobha Kantamneni and Supervisory Patent Examiner Sreeni Padmanabhan of the USPTO, and Joseph Posillico and Robert Henrie of Fox Rothschild LLP representing Cognis IP Management GmbH.

Mr. Posillico argued that there are patentably distinct differences between the unsubstituted and monomethyl bicyclic compounds of the cited art (Garland, Luisi) and applicants' hexamethyl-substituted bicyclic compounds. In addition, it was argued that there was no suggestion in the cited art of the emollient activity reported by applicants, and the solvent properties cited by Luisi do not provide any such suggestion. Applicants claim neither a homolog nor an analog of the cited compounds, and therefore the gap between the cited art and applicants' claims cannot support a *prima facie* case of obviousness.

Reply to Office Action dated January 6, 2009
10/719,588
Page 5

The arguments were persuasive. Supervisory Examiner Padmanabhan agreed that the 103 rejections would be dropped, and the pending claims would be passed to issuance, with the exception of claims 16-19 which should be cancelled in view of the 35 U.S.C. § 112, first paragraph, new matter rejection.

Conclusion

In summary, in view of the preceding claim amendments and remarks, applicants believe, and the Office has agreed, that all of the pending claims as amended are in condition for allowance. The Examiner is respectfully requested to pass the pending claims to allowance.

If any additional fees are required in support of this application, authorization is granted to charge our Deposit Account No. 50-1943.

Respectfully submitted,

Date: June 30, 2009

/Robert N. Henrie II/
Robert N. Henrie II, PhD
Reg. No. 60,851

Fox Rothschild LLP
2000 Market Street
Tenth Floor
Philadelphia, PA 19103
Telephone: (215) 299-2000
Facsimile: (215) 299-2150